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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,703	01/02/2004	Arjun Chandrasekar Iyer	SBL0011C1US	3820

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EXAMINER	
HARPER, ELIYAH STONE	
ART UNIT	PAPER NUMBER
2166	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/750,703	**Applicant(s)** CHANDRASEKAR IYER ET AL.	
	Examiner ELIYAH S. HARPER	**Art Unit** 2166	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 March 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *116-163*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166

continuation of #3 the new issue(s) is/are "wherein wherein the first producing means is configured to query the first table by executing the set of SQL statements against the first table to produce the first result set, and the second producing means is configured to query the second table by executing the second set of SQL statements against the second table to produce the second result set."

In response to applicant's argument that Applicants respectfully submit that Koo and DiDomizio, alone or in any rational combination, fail to teach or suggest all the elements of claim 116, including automatically generating a set of SQL statements based upon a received SQL statement, which are then used to query the first table and the second table in separate operations. First, among other deficiencies of Koo, Applicants submit that Koo does not teach or suggest the element of: (1) "automatically generating, using a processor of the computer system, a set of SQL statements to query the first table and the second table, wherein the set of SQL statements are based, at least in part, upon the at least one SQL statement, the first table and the second table are stored in a computer-readable storage medium of the computer system, the automatically generating uses a relationship between the first table and the second table to generate the set of SQL statements, and the set of SQL statements comprises SQL statements other than the at least one SQL statement," Koo is directed to optimizing a database query by analyzing the query to identify any joins within the query that are lossless and any tables of the identified joins that are eligible for removal. See Koo, Abstract. Koo teaches to rewrite an original query to eliminate one or more tables used in that original query. See Koo, Abstract. Koo identifies tables that are eligible for removal by characterizing the type(s) and characteristic(s) of joins present in the original query. See Koo, 5:26-34. The rewritten query then can be used to access only the tables that are remaining. Id. Applicants submit hat Koo does not teach or suggest "automatically generating... a set of SQL statements to query the first table and the second table, wherein the set of SQL statements are based, at least in part, upon the at least one SQL statement." For example, for two database tables, Koo's query optimization does not automatically generate a set of SQL statements to query the first table and the second table, as claimed. Instead, Koo is directed to optimizing a query by identifying one or more table(s) that can be removed prior to performing the query, and then rewriting the query into a simpler form. In other words, Koo teaches eliminating portions of a given query in order to produce an optimized query. In accordance with the example above, Koo teaches removing one of the two tables and then generating a query to query only the remaining table. Thus the single query generated by Koo only queries one table (the first table), whereas claim 116 recites automatically generating a set of SQL statements to query two tables - the first table and the second table. The Office Action on page 3 agrees with the Applicants and does not cite Koo for the claim element of "automatically generating a set of SQL statements to query the first table and the second table, wherein the set of SQL statements are based, at least in part upon the at least one SQL statement." The Office Action cites DiDomizio for this element, citing column 6, line 60 - column 7, line 6 for this element. However, the Office Action does cite Koo for a related element of "wherein... the automatically generating uses a relationship between the first table and the second table to generate the set of SQL statements." Applicants find this particular citation peculiar, since as argued above, Koo uses relationship(s) between a first table and a second table only to remove one of the tables from a query that is being generated. Therefore, a combination of Koo with any other reference can logically only teach to eliminate either the first table or the second table from the query that is being generated, and thus this combination cannot teach generating a set of SQL statements that access both first and second tables. Any other use of Koo would make the system of Koo inoperable. Put another way, any rational combination of Koo (which teaches to use relationship(s) between a first table and a second table to remove one of the tables from a query that is being generated) with any other reference that teaches querying two tables can only teach eliminating either the first table or the second table from the query that is being generated. A modification of Koo to generate a set of SQL statements that access both first and second tables would render Koo unsatisfactory for its intended purpose. Per MPEP 2143.01 (V), a modification of the cited art cannot render the cited art unsatisfactory for its intended purpose. Therefore, this modification being proposed by the Office Action cannot be done, i.e., "there is no suggestion or motivation to make the proposed modification." See MPEP 2143.01 (V), citing In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Therefore Koo does not teach or suggest at least these features of claim 116. Examiner responds Moreover the "Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art." In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981). Accordingly, it is what the combined teachings would have suggested to an artisan of ordinary skill in the art, and in this case the Koo suggest query optimization which includes re-writing queries and the fact that Koo ultimately queries one database does not change the fact that Koo accepts queries for multiple tables and generates a query to satisfy a request directed at more than one table.